

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Establishment – Suits – A.P.A.T – O.A.No 908/2013 filed by K.Hazarath Vali and 16 others & O.A.No.5977/2010 & batch cases - Regarding sanction of Minimum Time Scale - Common orders of the Hon'ble High Court dated 28.08.2014 in W.P..Nos. 30530 of 2012 and 13557, 24375, 24403, 25834, 25982, 26389, 26514, 28188, 31410, 36810 of 2013 and 15694 of 2014 - Allowed Minimum Wage equivalent to salary of Lowest Grade Employees - Implemented - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (G1) DEPARTMENT

G.O.Ms.No.239

Date:28.10.2015

Read the following:-

1. From the Hon'ble APAT, Hyderabad, orders dt:07.02.2013 in O.A.No.908/2013.
2. From the Hon'ble APAT, Hyderabad, orders dt:30.04.2013 in O.A.No.5977/2010 with C.A.No.1587/2011 and batch cases
3. From the Hon'ble High Court of A.P.Hyderabad orders dated 06.02.2014 in W.P.M.P.No.3199/2014 in W.P.No.3179/2014
4. From the Hon'ble High Court, Hyderabad, Common order dated 28.08.2014 in W.P.No. Nos. 30530 of 2012 and 13557, 24375, 24403, 25834, 25982, 26389, 26514, 28188, 31410, 36810 of 2013 and 15694 of 2014.
5. Government Memo No.17931/G2/2014, dt:24.12.2014 & Government Memo of even No. dt:06.01.2015
6. Government Memo No.17931/G2/2014, dt:20.02.2015
7. From the CDMA, A.P, Hyderabad Lr.Roc.No22875/2012/M2, dt.08.01.2015.
8. From the Hon'ble APAT, orders dated 21.09.2015 in C.A.No.2292/2013 in O.A.N.o.908/2013.

ORDER:

Sri K.Hazarath Vali and 16 others working in Adoni Municipality, Kurnool District as NMRs have filed O.A No. 908/2013 in the Hon'ble A.P. Administrative Tribunal praying for sanction of Minimum Time Scales and release of annual grade increments in the last grade employees with DA, CCA, HRA from the month of February of 2013.

2. The Hon'ble A.P. Administrative Tribunal has disposed of the case vide Common order dated 30-04-2013 in O.A. No.5977/2010 & batch cases including O.A. No.908/2013 as follows:

“In view of the above facts and circumstances obtaining in the case and various judgments/orders of the Hon'ble High Court and the Tribunal in cases of similarly situated supra, it is held that the applicants in O.A.No.5977/2010 and batch are entitled for minimum time scale with D.A.

“Point No.II: For the reasons stated above, the applicants in O.A.No.5977 of 2010 and batch are entitled for payment of minimum time scale with DA and also pay back wages for three years prior to filing of these O.A.s”

“Accordingly, all the O.As are allowed in part. The Respondents are directed to pay minimum time scale to the applicants in all the O.As together with D.A. and also pay back wages for three years prior to the filing of these O.As within eight weeks from the date of receipt of a copy of this order. Interim directions stand vacated. VMAs closed and CA are closed No. costs.”

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3. The Hon'ble Tribunal order dated.30.04.2013 in batch cases including O.A.No.908/2013 has passed as follows:-

"Accordingly, all the O.As are allowed in part. The respondents are directed to pay minimum time scale to the applicants in all the O.As together with D.A. and also pay back wages for three years prior to the filing of these O.As within eight weeks from the date of receipt of a copy of this orders. Interim directions stand vacated VMA closed and CAs are closed."

4. The applicants in O.A.No.908/2013 have filed C.A.No.2292/2013 Hon'ble APAT. On the orders of Hon'ble Tribunal dated 30.04.2013, the Commissioner, Adoni Municipality has filed W.P.No.3179/2014 before the Hon'ble A.P. High Court. In the order dated.06.02.2014 in W.P.M.P.No.3199/2014 in W.P.No.3179/2014, the Hon'ble High Court has passed the following order:

"There shall be interim stay only to the extent of arrears from last three (3) years."

"However, it is made clear that the respondents are entitled to pay from the date of the order passed by the Tribunal in the minimum of time scale."

5. The Commissioner Adoni Municipality and other Municipal Commissioners have filed various W.P.s the Hon'ble High Court against the orders of Hon'ble Tribunal regarding allowing the Minimum Time Scales to the NMRs. In the reference 4th read above, the Hon'ble High Court has clubbed all WPs and passed a Common order dated.28.08.2014 in W.P.No. Nos. 30530 of 2012 and 13557, 24375, 24403, 25834, 25982, 26389, 26514, 28188, 31410, 36810 of 2013 and 15694 of 2014. The Common order disposed of with following directions :-

"----- The respondents in all the Writ Petitions are entitled to the wages equal to the salary at the Lowest Grade of the employees of their cadre in their respective departments from the date of judgment of the Tribunal. However, it is made clear that all the respondents only daily-wage earners, there would be no question of other allowances being paid. Therefore, the impugned order to the extent of directing the Government to pay Minimum Time Scale of pay together with dearness allowance and also back wages for prior to filing of aforesaid Original Applications is set aside and modified as indicated above".

"With the above direction, all the Writ Petitions are disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed."

6. The orders of the Hon'ble Tribunal dated.30.04.2013 in O.A.No.908/2013 and batch cases has been clubbed in the above common order by the Hon'ble High Court and modified to the extent as passed by the Hon'ble High Court in the Common order as mentioned in para (5) above.

7. In view of the above and in compliance of the orders of Hon'ble Tribunal and Hon'ble High Court, Government have examined the same in consultation with the Commissioner & Director of Municipal Administration, A.P Hyderabad, who has submitted report NMR's of certain Municipalities and Corporations in the reference 7th read above.

9.Incompliance with the Hon'ble APAT orders above as modified by the Hon'ble High Court as Mentioned above in Common Orders dated:06.02.2014 in W.P.M.P.No.3199/2014 in W.P.No.3179/2014 in the reference 3rd read above, Government after careful examination of the matter, hereby implement the same

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to the applicants covered in the Hon'ble APAT Orders dt. 30.4.2013 in O.A.No.908/2013 which is included in O.A No. 5977/2010 and batch cases filed by Sri Hazarth Vali and 16 others and the NMRs respondents in common orders dated 28.08.2014 in W.P.No. 30530/2012 and batch from the date of judgment of the Hon'ble Tribunal. These petitioners shall be paid Minimum of time scale which is equivalent to Basic +D.A. Lowest Grade Employees and without paying any other allowances.

9. The Director of Municipal Administration, AP., Hyderabad shall take immediate necessary action in the matter accordingly.

10. This order issues with the concurrence of the Finance (HRM.III) Department vide their U.O. No.10305/65/A1/HRM-III/2015, dated 17-08-2015.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director of Municipal Administration, AP., Hyderabad.

All the applicants/respondents covered in the OAs/WPs through the DMA,
A.P., Hyderabad

All Regional Director-cum-Appellate Commissioner of Municipal
Administration in the State

The Municipal Commissioners concerned through the DMA.,
A.P. Hyderabad

The Director of Treasuries and Accounts, AP., Hyderabad.

The Director of State Audit, AP., Hyderabad.

Copy to:

The Finance (HRM.III) Department.

The OSD to Minister for MA & UD

The G.P. for MA&UD, APAT, Hyderabad

The G.P. for MA&UD, High court, Hyderabad

Sc/Sf.

//FORWARDED BY ORDER//

SECTION OFFICER